

CLOSED,BKREF,ECF

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-07681-VSB
Internal Use Only

Hightman v. Fiat Chrysler US LLC et al
Assigned to: Judge Vernon S. Broderick
Case in other court: California Southern, 3:18-cv-
02205
Cause: 28:1332bc Diversity-Breach of Contract

Date Filed: 08/16/2019
Date Terminated: 08/16/2019
Jury Demand: Plaintiff
Nature of Suit: 195 Contract
Product Liability
Jurisdiction: Diversity

Plaintiff

Wendy Hightman
*on behalf of herself and all
others similarly situated*

represented by **David Christopher Wright**
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V.

Defendant

Fiat Chrysler US LLC

Defendant

Does 1 Through 10

inclusive

Defendant

FCA US LLC

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Date Filed	#	Docket Text
09/24/2018	<u>1</u>	COMPLAINT with Jury Demand against Does 1 Through 10, Fiat Chrysler US LLC (Filing fee \$ 400 receipt number 0974-11710152.), filed by Wendy Hightman. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:18-cv-02205-BEN-KSC. Judge Roger T. Benitez and Magistrate Judge Karen S. Crawford are assigned to the case. (Wright, David)(cdw) (jao). [Transferred from California Southern on 8/16/2019.] (Entered: 09/24/2018)
09/24/2018	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (cdw) (jao). [Transferred from California Southern on 8/16/2019.] (Entered: 09/24/2018)
10/05/2018	<u>3</u>	AMENDED COMPLAINT with Jury Demand against FCA US LLC, filed by Wendy Hightman.New Summons Requested. (Wright, David) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 10/05/2018)
10/05/2018	<u>4</u>	AFFIDAVIT re <u>3</u> Amended Complaint, <u>1</u> Complaint, - <i>CLRA Affidavit re Proper Venue</i> by Plaintiff Wendy Hightman. (Wright, David) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 10/05/2018)
10/05/2018	<u>5</u>	NOTICE of Appearance by Douglas Carl Sohn on behalf of Wendy Hightman (Sohn, Douglas)Attorney Douglas Carl Sohn added to party Wendy Hightman(pty:pla) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 10/05/2018)
10/09/2018	<u>6</u>	Amended Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (anh) [Transferred from California Southern on 8/16/2019.] (Entered: 10/09/2018)
11/07/2018	<u>7</u>	SUMMONS Returned Executed by Wendy Hightman. FCA US LLC served. (Wright, David) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 11/07/2018)

11/09/2018	8	Joint MOTION for Extension of Time to File <i>Response to Plaintiff's Class Action Complaint</i> , and <i>Stipulation Permitting the Same</i> by FCA US LLC. (Boniske, Edwin)Attorney Edwin Mendelson Boniske added to party FCA US LLC(pty:dft) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 11/09/2018)
11/12/2018	9	Request to Appear Pro Hac Vice (Filing fee received: \$ 206 receipt number 0974-11891750.) (Application to be reviewed by Clerk.) (Wisniewski, Kathleen) (mdc) [Transferred from California Southern on 8/16/2019.] (Entered: 11/12/2018)
11/12/2018	10	Request to Appear Pro Hac Vice (Filing fee received: \$ 206 receipt number 0974-11891753.) (Application to be reviewed by Clerk.) (D'Aunoy, Stephen) (mdc) [Transferred from California Southern on 8/16/2019.] (Entered: 11/12/2018)
11/13/2018	11	PRO HAC APPROVED re 9 : Kathleen Ann Wisniewski appearing for Defendant FCA US LLC. (no document attached) (mdc) [Transferred from California Southern on 8/16/2019.] (Entered: 11/13/2018)
11/13/2018	12	PRO HAC APPROVED re 10 : Stephen Anthony D'Aunoy appearing for Defendant FCA US LLC. (no document attached) (mdc) [Transferred from California Southern on 8/16/2019.] (Entered: 11/13/2018)
11/13/2018	13	ORDER Granting Joint 8 Motion for Extension of Time to Respond to Plaintiff's First Amended Class Action Complaint. Defendant's Response to Plaintiff's First Amended Class Action Complaint is due on or before December 13, 2018. Signed by Judge Roger T. Benitez on 11/13/18. (dlg) [Transferred from California Southern on 8/16/2019.] (Entered: 11/13/2018)
11/15/2018	14	Corporate Disclosure Statement by FCA US LLC identifying Corporate Parent FCA North America Holdings LLC, Other Affiliate Fiat Chrysler Automobiles, N.V. for FCA US LLC.. (Boniske, Edwin) (anh). (jao). [Transferred from California Southern on 8/16/2019.] (Entered: 11/15/2018)
12/13/2018	15	MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(2)</i> by FCA US LLC. (Attachments: # 1 Memo of Points and Authorities, # 2 Declaration of Michael

		Royek)(Boniske, Edwin) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 12/13/2018)
12/13/2018	<u>16</u>	MOTION Transfer Action to Bankruptcy Court by FCA US LLC. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Request for Judicial Notice, # <u>3</u> Exhibit 1 to Request for Judicial Notice, # <u>4</u> Exhibit 2 to Request for Judicial Notice, # <u>5</u> Exhibit 3 to Request for Judicial Notice, # <u>6</u> Exhibit 4 to Request for Judicial Notice)(Boniske, Edwin) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 12/13/2018)
12/13/2018	<u>17</u>	MOTION to Dismiss for Failure to State a Claim (<i>In the Alternative</i>) by FCA US LLC. (Attachments: # <u>1</u> Memo of Points and Authorities)(Boniske, Edwin) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 12/13/2018)
01/03/2019	<u>18</u>	Joint MOTION to Continue <i>Hearing and Briefing Schedule on Defendant's Motion to Dismiss for Lack of Jurisdiction, (ECF No. 15), Motion to Transfer, (ECF No. 16), and Motion to Dismiss for Failure to State a Claim (ECF No. 17), Pursuant to Local Rules 7.1(g) and 7.2</i> by Wendy Hightman. (Wright, David) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 01/03/2019)
01/07/2019	<u>19</u>	ORDER Granting Joint Motion and Stipulation to Continue the Motion Hearing and Briefing Schedule on Defendant's Pending Motions [Doc. No. <u>18</u>] Responses due by 1/22/2019 Replies due by 2/4/2019. Motion Hearing set for 2/11/2019 10:30 AM before Judge Roger T. Benitez. Signed by Judge Roger T. Benitez on 1/7/2019. (anh) [Transferred from California Southern on 8/16/2019.] (Entered: 01/07/2019)
01/22/2019	<u>20</u>	RESPONSE in Opposition re <u>16</u> MOTION Transfer Action to Bankruptcy Court filed by Wendy Hightman. (Wright, David) QC Email Sent re: Document not signed by registered user (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 01/22/2019)
01/22/2019	<u>21</u>	RESPONSE in Opposition re <u>17</u> MOTION to Dismiss for Failure to State a Claim (<i>In the Alternative</i>) filed by Wendy Hightman. (Wright, David) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 01/22/2019)

01/22/2019	<u>22</u>	RESPONSE in Opposition re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(2)</i> filed by Wendy Hightman. (Wright, David) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 01/22/2019)
02/04/2019	<u>23</u>	REPLY to Response to Motion re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(2)</i> filed by FCA US LLC. (Boniske, Edwin) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 02/04/2019)
02/04/2019	<u>24</u>	REPLY to Response to Motion re <u>16</u> MOTION Transfer Action to Bankruptcy Court filed by FCA US LLC. (Boniske, Edwin) (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 02/04/2019)
02/04/2019	<u>25</u>	REPLY to Response to Motion re <u>17</u> MOTION to Dismiss for Failure to State a Claim (<i>In the Alternative</i>) filed by FCA US LLC. (Boniske, Edwin) Modif (anh). [Transferred from California Southern on 8/16/2019.] (Entered: 02/04/2019)
02/07/2019	26	Minute Order issued by the Honorable Roger T. Benitez: Submitting <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>Pursuant to Fed. R. Civ. P. 12(b)(2)</i> , <u>16</u> MOTION Transfer Action to Bankruptcy Court , <u>17</u> MOTION to Dismiss for Failure to State a Claim (<i>In the Alternative</i>). Court to issue written Order. Motion Hearing date of 2/11/2019 is hereby vacated. (no document attached) (gxr) [Transferred from California Southern on 8/16/2019.] (Entered: 02/07/2019)
08/12/2019	<u>27</u>	ORDER : (1) Denying Without Prejudice Defendant's Motion to Dismiss for Lack of Personal Jurisdiction; (2) Granting Defendant's Motion to Transfer to the Southern District of New York; and (3) Denying Without Prejudice Defendant's Motion to Dismiss for Failure to State a Claim [Doc. Nos. <u>15</u> ; <u>16</u> , <u>17</u>]. Signed by Judge Roger T. Benitez on 8/10/2019. (anh) [Transferred from California Southern on 8/16/2019.] (Entered: 08/12/2019)
08/12/2019	<u>28</u>	Case transferred to United States District Court, New York, Southern District. Files transferred electronically to: *New York, Southern District*. *500 Pearl Street Ste. 400* *New York, NY 10007*. Signed by Judge Roger T. Benitez on 8/10/2019. (Attachments: # <u>1</u> Transfer Order) (anh)(sjt).

		[Transferred from California Southern on 8/16/2019.] (Entered: 08/12/2019)
08/16/2019	 29	CASE TRANSFERRED IN from the United States District Court - District of California Southern; Case Number: 3:18-cv-02205. Original file certified copy of transfer order and docket entries received. (sjo) (Entered: 08/16/2019)
08/16/2019		Case Designated ECF. (sjo) (Entered: 08/16/2019)
08/16/2019		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (sjo) (Entered: 08/16/2019)
08/16/2019		NOTE TO OUT OF STATE ATTORNEYS: Please visit the Court's website at http://www.nysd.uscourts.gov for information regarding admission to the S.D.N.Y. Bar and the CM/ECF Rules & Filing Instructions. (sjo) (Entered: 08/16/2019)
08/16/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE - TRANSFER CASE: This case is assigned to: Judge Vernon S. Broderick. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (sjo) (Entered: 08/16/2019)
08/16/2019	30	DUPLICATE ORIGINAL AMENDED STANDING ORDER REFERRING CASE to Bankruptcy Court. Pursuant to 28 U.S.C. Section 157(a) any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district. (See 1:12-mc-00032 (M-10-468) Order Filed February 1, 2012) (Signed by Judge Loretta A. Preska on 1/31/2012) (sjo) (Entered: 08/16/2019)

08/16/2019		Transmission to the Civil Case Openings Clerk. Transmitted re: 30 Order Referring Case to Bankruptcy Court, to the Civil Case Openings Clerk for case processing. (sjo) (Entered: 08/16/2019)
08/16/2019		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States Bankruptcy Court - Southern District of New York. (gp) (Entered: 08/16/2019)